

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Naohisa TACHIYA

Appln. No.: 10/594,923

Confirmation No.: 5287

Filed: May 2, 2007

For: 5-AMINOLEVULINIC ACID SALT, PROCESS FOR PRODUCING THE SAME
AND USE THEREOF

Docket No: Q97359

Group Art Unit: 1621

Examiner: Peter G O'SULLIVAN

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore the fee of under 37 C.F.R. § 1.17(p) is being remitted, and a Statement Under 37 C.F.R. § 1.97(e) is being submitted.

INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §§ 1.97 and 1.98

Appln No.: 10/594,923

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication dated January 17, 2012, issued by the Canadian Intellectual Property Office in corresponding Canadian Patent Application No. 2,562,170.

Applicant notes that CA 2561050 corresponds to WO 2005/092838, which was previously submitted in an Information Disclosure Statement filed June 7, 2007.

Applicant also notes that all references cited in the Communication, with the exception of those listed on the PTO/SB/08 form, were previously submitted by Applicant or cited by the Examiner. Specifically, US 5,945,564, was submitted in an Information Disclosure Statement filed January 26, 2009. US 5,489,572, US 5,661,111, and US 5,298,482 were cited by the Examiner in an Office Action issued April 5, 2010. JP 5310657 and JP 60139656 were submitted in an Information Disclosure Statement filed September 29, 2006.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Hui C. Wauters/

Hui C. Wauters
Registration No. 57,426

for Susan J. Mack
Registration No. 30, 951

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: February 16, 2012